

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/43277-PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003811	International filing date (day/month/year) 08.04.2004	Priority date (day/month/year) 11.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant BASF AKTIENGESELLSCHAFT			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003811

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-11 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-20 _____ received by this Authority on 31.01.2005 with letter of 31.01.2005
 - nos.* _____ received by this Authority on _____
 - ☐ the drawings:
 - sheets _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	17, 19, 20	YES
	Claims	1-16, 18	NO
Inventive step (IS)	Claims		YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. The amendments submitted with the letter of 31 January 2005 do not introduce any substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure of the international application as filed: The new definition of the alkanol indicated in claim 1 and its content are supported by the description on page 3, lines 1-4.			
2. This report makes reference to the following documents: D1: WO 01/85874 D2: DD 140359			
3. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1-16 and 18 lacks novelty within the meaning of PCT Article 33(2). D1 (see the relevant passages cited in the search report) discloses a fuel composition			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

containing a gasoline with a maximum of 150 ppm sulfur, a maximum of 21 percent by volume olefins, a maximum of 1.0 percent by volume benzoyl, a maximum of 42 percent by volume aromatic compounds, a flotation oil mixture and a detergent additive. The fuel composition can contain alcohols such as isopropanol (10 percent by volume). The additives have a hydrocarbon residue (Mn = 85-20000) and a polar group like the groups indicated in the present claim 2. The compositions demonstrate low formation of valve and combustion chamber deposits.

Therefore, this disclosure is prejudicial to the novelty of the subject matter of claims 1-16 and 18 of the present application.

4. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 17, 19 and 20 does not involve an inventive step within the meaning of PCT Article 33(3).

D1 is regarded as the prior art closest to the subject matter of claims 17, 19 and 20.

The problem to be solved by the present invention is that of providing additive mixtures for keeping valves and carburetors in internal combustion engines clean.

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

D2 discloses gasoline compositions consisting of 5-30 percent by volume of a mixture of methanol, MTBE and higher boiling alcohols. The composition (containing 10 percent by volume methanol) in example 4 shows fewer deposits on the combustion chambers than when the additive-free fuel is used. A person skilled in the art is familiar, however, with mixing several additives in fuel compositions. The addition of a mixture of methanol (teaching of D2) and the detergent additive components disclosed in D1 is therefore regarded as a matter of standard practice. Such a solution involves an inventive step only if it shows unexpected effects. The trial data according to the invention are not suitable therefor for the following reasons:

Table 2 shows that an improvement of the effect (IVD **or** TCD) depends on the quantity of additive and the alcohol content.

Only one additive was tested and the test cannot be regarded as sufficient proof that all of the claimed additive combinations would have this effect.

Consequently, the subject matter of claims 17, 19 and 20 does not involve an inventive step.

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| 5. | The terms "approximately" and "low alkanol" used in claims 1, 12-15, 17 and 18-20 are vague and unclear and leave the reader unsure as to the meaning of the technical features in question. |
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